



COMMONWEALTH OF MASSACHUSETTS

**DEPARTMENT OF AGRICULTURAL RESOURCES
251 CAUSEWAY STREET, Suite 500
BOSTON, MA 02114**

REQUEST FOR RESPONSE (RFR)

RFR File No. AGR-AGENERGY-09

FOR

Agricultural Energy Projects

Initial responses due no later than

Purchasing Department: **Department of Agricultural Resources**

Address: 251 Causeway Street

Suite 500

Boston, MA 02114

Telephone Number: (617) 626-1728

Fax Number: (617) 626-1728

Email: daniel.rhodes@state.ma.us

RFR File Name/Title: Agricultural Energy Projects

Fund RFR File Number: AGR-AGENERGY- 09

Procurement Team Leader / RFR Contact Person: Mr. Daniel Rhodes

Procurement Management Group: Energy, Fuel, and Utility - Related Equipment, Services & Supplies - ENERGY-Renewable

Purpose of the Procurement

The Massachusetts Department of Agricultural Resources (MDAR) seeks grantees to execute agricultural energy projects in any of the three following categories in an effort to improve energy efficiency and to facilitate adoption of alternative energy technologies by Massachusetts farms in order that the Commonwealth can maximize the environmental and economic benefits from these technologies. The details for each Project Category can be found below. In general, funding preference will be given to those projects that are in the construction / implementation stage or are design projects that have implementation as the next step.

PROJECT CATEGORY ONE: Developing and Implementing Anaerobic Digesters suited to Massachusetts Agricultural Operations

PROJECT CATEGORY TWO: Developing and Implementing Zero Net Energy/ "Green" Agricultural Buildings

PROJECT CATEGORY THREE: Assist Agricultural Operations in the complying with Massachusetts Department of Environmental Protection's (MDEP) new Outdoor Wood Hydronic Heater (OWHH) Regulations.

Acquisition Method

This is a Grant program.

Request for Single or multiple contractors

Multiple contract(s)

The Department is interested in awarding multiple contracts for any one or all three Project Categories.

Anticipated duration of Contract

One Year

Use of a Procurement by A Single or Multiple Departments

This is a single Department procurement. Only the Department of Agricultural Resources may contract under this solicitation.

Anticipated Expenditures and compensation structures

Total available funding for all three Project Categories combined is \$125,000. This funding will be allocated among the three categories based on the responses and as deemed appropriate by MDAR. Maximum award per individual project shall not exceed \$50,000.

Eligibility

Eligible responders are agricultural producers, commodity associations, agricultural support organizations, Massachusetts companies or individuals who:

1. are legally recognized entities within the Commonwealth of Massachusetts and have the ability to enter a legally binding agreement with the Commonwealth of Massachusetts;
2. have demonstrated the capacity to implement and administer projects and programs as defined in the responsive proposals to this RFR;
3. demonstrate support from Massachusetts agricultural businesses that would receive a benefit from the successful completion of the proposed Project.

Performance and Contract Specifications

PROCUREMENT CALENDAR

FEBRUARY 11, 2009	RFR POSTED TO COMM-PASS.COM
FEBRUARY 11, 2009- FEBRUARY 18, 2009	QUESTION AND ANSWER PERIOD
MARCH 11, 2009 at 4:00 P.M	ALL PROPOSALS MUST BE RECEIVED BY MDAR*

*All proposals must be received by the Massachusetts Department of Agricultural Resources at 251 Causeway Street, Suite 500, Boston, MA 02114.

PROJECT CATEGORY ONE – AGRICULTURAL ANAEROBIC DIGESTERS (AAD)

Funding for this Project Sector shall further the State's effort of developing and implementing farm anaerobic digester facilities that have an appropriate structure and size for Massachusetts farms. Activities that are eligible for funding include:

- planning efforts including assessments and feasibility studies of proven AAD technologies.
- engineering plans and specifications of AAD at either the schematic design , design development , or the construction drawing stage.
- Construction related materials and labor of AAD..

PROPOSALS THAT INTEND TO RESULT IN THE INSTALLATION AND OPERATION OF AAD ARE PREFERRED AND WILL RECEIVE HIGHER RANKING

*A successful proposal) must show a funding match toward the amount requested of either in-kind or cash support, No specified level of match is required. HOWEVER
CHARACTERISTICS OF MATCH AND LEVEL WILL WEIGH ON PROPOSAL RANKING*

Expected Deliverables

For Planning Activities:

A complete document that provides clear and highly detailed guidance in how to go forward with the design and construction of an AAD in the Commonwealth of Massachusetts.

For Design-Engineering Activities:

Completed schematic design, design development, or construction drawings, the latter in order to initiate construction. These shall be presented in the form of both drawings and written specifications.

For Construction Related Materials and Labor Activities:

Materials and labor shall be based upon construction drawings and specifications that are approved by the engineer of record; ; invoices shall be actual invoices approved by the engineer of record or equivalent as deemed appropriate by MDAR. Materials shall be those received and visible for inspection on the premises of construction. Labor shall be that associated with on premises construction related activities Exceptions to be reviewed by MDAR.

PROJECT CATEGORY TWO – ZERO NET ENERGY BUILDING

The funding will prioritize those responses which address a *whole-building* approach to achieve zero net energy versus the implementation of individual technologies. Preference will be given to those projects that are ready or near ready for implementation.

Funding for this Project Category shall further the Commonwealth's effort of developing and constructing Zero Net Energy "Green" architectural buildings.

Eligible projects shall include new and/or major renovations to existing agricultural facilities. Eligible funding activities include planning including assessments and feasibility studies, design-engineering and purchasing of construction related materials and labor for a MA Zero Net Energy agricultural facility. *A successful bidder(s) must show a funding match toward the amount requested of either in-kind or cash support, NO SPECIFIED LEVEL ALTHOUGH CHARACTERISTICS OF MATCH AND LEVEL WILL WEIGH ON PROPOSAL RANKING.*

Expected Deliverables

For Planning Activities:

A complete document that provides clear and highly detailed guidance in how to go forward with the design and construction of a Zero Net Energy Building(s) in the Commonwealth of Massachusetts.

For Design-Engineering Activities:

Completed schematic design, design development, or construction drawing, the latter in order to initiate construction, of a Zero Net Energy Building. These shall be presented in the form of both drawings and written specifications.

For Construction Related Materials and Labor:

Materials and labor shall be based upon construction drawings and specifications that are approved by the engineer of record; invoices shall be actual invoices approved by the engineer of record or equivalent as deemed appropriate by MDAR. Materials shall be those received and visible for inspection on the premises of construction. Labor shall be that associated with on premises construction related activities. Exceptions to be reviewed by MDAR.

PROJECT CATEGORY THREE – Transitioning to new DEP Outdoor Wood Hydronic Heater (OWHH) Regulations

Funding for this Project =Category shall further the State's effort of transitioning to and facilitating compliance DEP's new regulations for cleaner burning OWHH units. Eligible projects shall include new installations and/or replacement renovations to existing agricultural facilities. Eligible funding activities include the purchasing of construction related materials and labor of new DEP Regulation compliant OWHHs. Demonstration that local Board of Health or equivalent authorization requirements will also be met or allowed with the new DEP Regulations is necessary *A successful bidder(s) must show a funding match toward the amount requested of either in-kind or cash support, NO SPECIFIED LEVEL ALTHOUGH CHARACTERISTICS OF MATCH AND LEVEL WILL WEIGH ON PROPOSAL RANKING.*

Expected Deliverables:

For Construction Related Materials and Labor: Optimally shall be based upon construction drawings and specifications or equivalent documentation demonstrating appropriateness of system component sizing and quality for the proposed application; shall also be actual invoices approved by the engineer of record or equivalent as deemed appropriate by MDAR. Materials shall be those received and visible for inspection on the premises of construction. Labor shall be that associated with on premises construction related activities. Exceptions shall be reviewed by MDAR. In all cases, all manners of installation must be in strict accordance with DEP's new OWHH Regulations 310 CMR 7.26(50) through (54) as found on DEP's website <http://www.mass.gov/dep/air/laws/regulati.htm>.

ADDITIONAL INFORMATION REQUESTS BY MDAR

MDAR reserves the right to request additional information from RFR responders should the Department determine that further information is required for clarification or understanding of a responsive proposal.

RFR RESPONDER QUESTION TIME PERIOD

RFR Responders shall be provided with a period of one week from the date of the posting of this RFR on the Commonwealth Procurement Access System (www.comm-pass.com) to ask questions pertaining to the RFR. All questions should be addressed to Daniel Rhodes, Grants Manager, at daniel.rhodes@state.ma.us. All questions and answers will be posted on the Comm-pass system.

FAILURE TO PERFORM/COMPLY

MDAR reserves the right to rescind and/or revoke any grant award, at any time during the grant award period, should MDAR reasonably feel the grantee or potential grantee has, is or will fail to meet contract obligations. This shall include the right of MDAR to be reimbursed for any or all payments made to the grant award recipient.

VERIFICATION OF EXPENDITURES

Successful responders should be prepared to provide proof of the expenditures of funds provided through AGR-AGENERGY-09 by producing:

1. accurate records, invoices and receipts that clearly identify the person or entity providing the services described by the contract and proposal.
2. description of the services rendered that are consistent with the contract and proposal.
3. amount for services rendered and any other information as required by Agricultural Resources. MDAR will require routine Progress Reports from an accepted Contract.

FULL AND FAIR DISCLOSURE

The responder must make a full disclosure identifying any person or entity by name, address and telephone number, who is affiliated with responder's entity, as an officer, employee or volunteer, who may receive, directly or indirectly, a monetary gain associated from the completion of tasks or work related to projects described by the Project Proposal.

Any success grantee shall provide documentation at the conclusion of the project in the form of a final report that will show in detail the total expenditure of funds dedicated to the Project, as detailed to the Project Proposal and the Contract.

The Grantee shall perform all work in accordance with the recognized professional standards and specifications outlined in the Commonwealth of Massachusetts Standard Contract Form.

SITE VISITS

Employees or representatives of MDAR may, at their election, perform site visits. Said visit shall include a viewing of any project sites or products and any paperwork associated with the tasks

and/or work undertaken pursuant to the project(s) described by the responsive proposal. Grantees will be notified a minimum of seven (7) calendar days prior to a site visit. A written report concerning a site visit will be completed and sent within ten (10) business days after the site visit. The purpose of site visits is for confirming that the Project is being completed in a way that is compliant with the language of the contract.

Instruction for submission of response

All responses must:

- Use 12 point type or larger (typewriter font 12P)
- Have pages numbered consecutively, starting with the first page
- Be stapled in the upper left-hand corner. Do not bind or insert responses in any kind of folder

A COMPLETE RESPONSE INCLUDES, IN THIS ORDER:

1. Response Cover Page: (1 page)
 - Name and title of applicant(s)
 - Address, telephone number, fax and e-mail (if applicable) of applicant(s)
 - Amount of funding requested through this program
 - Amount of match and source
 - Begin and end dates of project work
2. Proposed project statement of work: (no more than 6 pages not including attachments)
 - a. Responses must include a statement of work that describes the activities and work that will be done to accomplish the objectives of this RFR and how the terms and conditions of t.
 - b. How will the proposed project(s) accomplish the objectives of this RFR?
 - c. What specific activities will be undertaken to meet the objectives of this RFR?
 - provide a description of activities and process to be undertaken
 - indicate the expected products and deliverables that will result from the proposed project's work
 - d. When will the various work and specific activities associated with the proposed project take place?
 - provide a milestone chart that identifies the specific activities and work that will be accomplished for the proposed project
 - e. Where will the proposed project(s) take place and are appropriate facilities and resources in place to carry out the described work activities?
 - indicate equipment requirements for the proposed project(s) and existing facility infrastructure that is in place to accomplish the proposed project tasks
 - attach copies of any and all permits that allow proposed activities

- f. Who are the project personnel? (please attach resume or vitae no more than 2 pages for each participant)
 - indicate specific roles and responsibilities of project personnel
 - provide a description of project management
3. References, resumes, reviews, or other materials supporting the responder's qualifications for eligibility to AGR-AGENERGY-09
4. Other required forms (to be completed upon awarding of contract)
 - a. Standard Contract Form
 - b. W-9
 - c. Contractor Authorized Signatory Listing
 - d. Emergency Order 504
5. All proposals must include an itemized program budget specifying how both grant and matching funding is to be expended.

EVALUATION CRITERIA

Proposals will be evaluated according to the following criteria:

1. The completeness of the proposal
2. The extent to which the proposal meets the Performance Contract and Specifications herein
3. The likelihood that the proposal will be successfully completed and fulfill MDAR's goals involving Agricultural Energy
4. The experience and expertise of the responder's team relevant to completing this project
5. The likelihood that the project will be cost effectively be completed in the required timeframe as described by the budget and proposed schedule.
6. The quality of the letters of support
7. Amount and type of match

RFR - REQUIRED SPECIFICATIONS

Refresh Date: November 1, 2005

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions* (either version). However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

The terms of *801 CMR 21.00: Procurement of Commodities and Services* (and *808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and

pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

Items with the text, "*Required for POS Only*" specify a requirement for Purchase of Service (POS) human and social services procured under *801 CMR 21.00, Procurement of Commodities or Services, Including Human and Social Services* and *808 CMR 1.00, Compliance, Reporting and Auditing for Human and Social Service*.

Affirmative Market Program (AMP). Massachusetts Executive Order 390 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) that resulted in the Affirmative Market Program in Public Contracting. M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, joint venture partners or other type of business partnerships. All bidders must follow the requirements set forth in the AMP section of the RFR, which will detail the specific requirements relating to the prime vendor's inclusion of M/WBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder's participation of AMP objectives, the Affirmative Market Program (AMP) Plan for large procurements greater than \$50,000 will be evaluated at 10% or more of the total evaluation. Once an AMP Plan is submitted, negotiated and approved, the agency will then monitor the contractor's performance, and use actual expenditures with SOMWBA certified contractors to fulfill their own AMP expenditure benchmarks. M/WBE participation must be incorporated into and monitored for all types of procurements regardless of size, however, submission of an AMP Plan is mandated only for large procurements over \$50,000.

This RFR will contain some or all of the following components as part of the Affirmative Market Program Plan submitted by bidders:

- Sub-contracting with certified M/WBE firms as defined within the scope of the RFR,
- Growth and Development activities to increase M/WBE capacity,
- Ancillary use of certified M/WBE firms,
- Past Performance or information of past expenditures with certified M/WBEs and
- Additional incentives for bidders to commit to at least one certified MBE and WBE in the submission of AMP plans.

A Minority Business Enterprise (MBE), Woman Business Enterprise (WBE), M/Non-Profit, or W/Non-Profit, is defined as such by the State Office of Minority and Women Business Assistance (SOMWBA). All certified businesses that are included in the bidder's AMP proposal are required to submit an up to date copy of their SOMWBA certification letter. The purpose for this certification is to participate in the Commonwealth's Affirmative Market Program for public contracting. Minority- and Women-Owned firms that are not currently certified but would like to be considered as an M/WBE for the purpose of this RFR should submit their application at least two weeks prior to the RFR closing date and submit proof of documentation of application for consideration with their bid proposal. For further information on SOMWBA certification, contact their office at 1-617-973-8692 or via the Internet at mass.gov/somwba.

Affirmative Market Program Subcontracting Policies. Prior approval of the agency is required for any subcontracted service of the contract. Agencies may define required deliverables including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) for the purpose of monitoring and enforcing compliance of subcontracting commitments made in a bidder's

Affirmative Market Program (AMP) Plan. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors.

Best Value Selection and Negotiation. The Procurement Management Team (PMT) may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The PMT and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the PMT regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through Comm-PASS.

Comm-PASS. If this RFR has been distributed electronically using the Comm-PASS system, RFR attachments that are referenced are incorporated by reference into the RFR and are available as separate files within the Forms tab and Specifications tab of the Comm-PASS Solicitation record. OSD Forms are also available at www.mass.gov/osd under the Related Links section. While Comm-PASS offers optional, value-added, automated [Comm-PASS Subscription Service](#) on an annual-fee basis, all bidders are solely responsible for obtaining and completing the required attachments that are identified in this RFR and for checking Comm-PASS for any addenda or modifications that are subsequently made to this RFR or attachments. The Commonwealth and its subdivisions accept no liability for and will provide no accommodation to bidders who fail to check for amended RFRs/Requests for Quotes (RFQs) or any other procurement opportunities and subsequently submit inadequate or incorrect responses. Bidders are advised to check the Last Changed Date field on the Summary page or the Amendment History within the Other Information tab of RFRs for which they intend to submit a response in order to ensure that they have the most recent RFR files. Bidders may not alter (manually or electronically) the RFR language or any RFR component files. Modifications to the body of the RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited and may disqualify a response.

[Comm-PASS Subscription Service.](#) The Comm-PASS Subscription Service is sponsored by the Operational Services Division. This service offers a prospective bidder a secure, web-based desktop that contains tools to track and manage postings including solicitation announcements, Request for Responses (RFRs), and Contracts that match the subscriber-designated set of categories and sub-categories on the Commonwealth's Procurement Access and Solicitation System (Comm-PASS).

Comm-PASS Basic Service will provide a subscriber with:

- Secure web-based desktop within Enhanced Comm-PASS for document management.
- A customizable profile reflecting the bidder's product/service areas of interest.
- Refined commodity and service categories and sub-categories.
- Full-cycle, automated email alert whenever a solicitation of interest is posted or updated.
- Access to Online Bidder Forums to allow for virtual attendance and participation.
- Tools to submit bids electronically to an encrypted lock-box.

Every public purchasing entity within the borders of Massachusetts may post their solicitations on Comm-PASS at no charge. Comm-PASS has the potential to become the sole site for reviewing and responding

electronically to public solicitations in Massachusetts. Fees for the Comm-PASS Subscription Service are based on costs to operate, maintain and develop the Comm-PASS system.

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

Debriefing/Appeals: Debriefing. *☞ Required for POS Only. This is an optional specification for non-POS RFRs.* Non-successful bidders may request a debriefing from the department. Department debriefing procedures may be found in the RFR. Non-successful POS bidders aggrieved by the decision of a department must participate in a debriefing as a prerequisite to an administrative appeal.

Debriefing/Appeals: Administrative Appeals to Departments. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the debriefing process and remain aggrieved with the decision of the department may appeal that decision to the department head. Department appeal procedures may be found in the RFR.

Debriefing/Appeals: Administrative Appeals to OSD. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the department appeal process and remain aggrieved by the selection decision of the department may appeal the department decision to the Operational Services Division. The basis for an appeal to OSD is limited to the following grounds:

1. The competitive procurement conducted by the department failed to comply with applicable regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the policies in the OSD Procurement Information Center, subsequent policies and procedures issued by OSD and the specifications of the RFR; or
2. There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with the bidder to provide sufficient and specific evidence in support of its claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

Requests for an appeal must be sent to the attention of the State Purchasing Agent at Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head's decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure which was applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above. OSD reserves the right to reject appeal requests based on grounds other than those stated above or those submitted without sufficient detail on the basis for the appeal.

The decision of the State Purchasing Agent shall be rendered, in writing, setting forth the grounds for the decision within sixty (60) calendar days of receipt of the appeal request. Pending appeals to the State Purchasing Agent shall not prohibit the department from proceeding with executing contracts.

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the PMT, including requests for clarification. The PMT and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the PMT to be lost or rejected by any means including email or spam filtering.

Electronic Funds Transfer (EFT). All bidders responding to this RFR must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application can be found on the [OSD Forms](http://www.mass.gov/osd) page (www.mass.gov/osd). Additional information about EFT is available on the [VendorWeb](http://www.mass.gov/osc) site (www.mass.gov/osc). Click on MASSfinance.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval and forwarding to the Office of the Comptroller. If the bidder is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

The requirement to use EFT may be waived by the PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The PMT will consider such requests on a case-by-case basis and communicate the findings with the bidder.

Environmental Response Submission Compliance. In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all responses submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non re-usable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips,

diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.

- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

Filing Requirements. *☞ Required for POS Only. Not applicable to non-POS bidders.* Successful bidders must have filed their Uniform Financial Statements and Independent Auditor's Report (UFR), as required for current contractors, with the Operational Services Division via the Internet using the UFR eFiling application for the most recently completed fiscal year before a contract can be executed and services may begin. Other contractor qualification/risk management reporting requirements and non-filing consequences promulgated by secretariats or departments pursuant to 808 CMR 1.04(3) may also apply. In the event immediate services are required by a department, a contract may be executed and services may begin with the approval of OSD and the appropriate secretariat. However, unless authorized by OSD and the appropriate secretariat, the contractor will not be paid for any such services rendered until the UFR has been filed.

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department will require in order for the department to comply with HIPAA and the privacy and security regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the RFR and resulting contract a sufficient description of business associate's contractual obligations regarding the privacy and security of the protected health information, as listed in 45 CFR 164.314 and 164.504 (e), including, but not limited to, the bidder's obligation to: implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information (in whatever form it is maintained or used, including verbal communications); provide individuals access to their records; and strictly limit use and disclosure of the protected health information for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the RFR for any further HIPAA details, if applicable.

Minimum Bid Duration. Pursuant to MGL c. 106, Section 2-205, bidders responses/bids made in response to this RFR must remain in effect for 90 days from the date of bid submission.

Northern Ireland Notice and Certification. All bidders must complete the Northern Ireland Notice and Certification form to satisfy M.G.L. c.7 section 22C, which states that no state agency may procure commodities or services from any bidder employing ten (10) or more employees in an office or other facility located in Northern Ireland unless the bidder certifies through the notice and certification form that if it employs ten or more employees in Northern Ireland, a) the bidder does not discriminate in employment, compensation or the terms, conditions and privileges of employment on account of religious or political belief, b) the bidder promotes religious tolerance within the workplace and the eradication of any manifestations of religious and other illegal discrimination and, c) the bidder is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

Pricing: Federal Government Services Administration (GSA) or Veteran's Administration Supply. The Commonwealth reserves the right to request from the successful bidder(s) initial pricing schedules and periodic updates available under their GSA or other federal pricing contracts. In the absence of proprietary information being part of such contracts, compliance for submission of requested pricing information is expected within 30 days of any request. If the contractor receives a GSA or Veteran's Administration Supply contract at any time during this contract period, it must notify the Commonwealth contract manager.

Pricing: Price Limitation: The bidder must agree that no other state or public entity customer within the United States of similar size and with similar terms and conditions shall receive a lower price for the same commodity and service during the contract period, unless this same lower price is immediately effective for the Commonwealth. If the Commonwealth believes that it is not receiving this lower price as required by this language, the bidder must agree to provide current or historical pricing offered or negotiated with other state or public entities at any time during the contract period in the absence of proprietary information being part of such contracts.

Provider Data Management. *☞ Required for POS Only. Not applicable to non-POS bidders.* The Executive Office of Health and Human Services (EOHHS) has established a Provider Data Management (PDM) business service that is integrated into the Virtual Gateway. PDM is accessible by providers with current POS contracts. Departments may require that bidders with current POS contracts submit certain RFR-required documents through PDM. These documents have been specified in the RFR. When submitting documents via PDM, bidders are required to print and sign a PDM Documentation Summary. PDM users should verify that all information is accurate and current in PDM. Bidders are required to include the signed PDM Documentation Summary in their RFR response.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Reasonable Accommodation. Bidders with disabilities that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case-by-case basis. A bidder requesting accommodation may be required to confirm his or her request in writing to the contact person. The request must state that it is based on a disability and specifically identify the accommodation desired. Although entities of the Commonwealth will make all reasonable efforts to accommodate the requests of bidders with disabilities, they reserve the right to reject unreasonable requests.

Restriction on the Use of the Commonwealth Seal. Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

